LUDHIANA DISTRICT.

Khanna Dakaiti.

The Crown, through Omer Khan and others,

Versus

1. Jewan Singh, Ját of Sibián, District Ferozepore.
2. Kowla, Ját of Rajiána, District Ferozepore.
3. Anokha, Ját of Jetho, Nábha State.
4. Sawan, Ját ... } of Chandbhán, Nábha State.
5. Dyála, Ját ... } of Chandbhán, Nábha State.
6. Nanda, Ját of Shahbázpur, Nábha State.
7. Hira, Ját ... } of Bagiána, Farídkot State.
8. Fatta, Ját ... } of Bagiána, Farídkot State.
9. Mewa, Ját ... } of Dhulkot, Patiála State.
10. Sunder, Ját ... } of Dhulkot, Patiála State.
11. Anokha, Ját... } of Dhulkot, Patiála State.

Charge :—*Dakaiti with loss of Rs.* 833-12-0, *Sec.* 395 *I. P. C.*

District Superintendent hears of the dakaiti.

I returned from special duty with the Imperial assemblage at Delhi late at night on the 13th of January 1877, and the first report I received on alighting at the Ludhiána station was that a very serious dakaiti, attended with violence, had occurred near Khanna on the 12th idem. I was, moreover, informed that Mr. Bamfield, my *locum tenens*, had with creditable promptitude taken up the investigation personally, and, aided by the Khanna police, had successfully carried the tracks of the offenders to Saliáni, a village about five miles off in Patiála territory. Here the injudicious and culpable opposition of Imám Alí, the Thanadár of Bassi, interrupted tracking operations, and paralyzed further action.

Special measures to meet opposition by officials of Native Chiefs.

2. The reports of the Khanna police, confirmed by Mr. Bamfield's verbal representation, convinced me that unless some special measures were adopted and the earnest co-operation of the Patiála and Nábha authorities secured, the achievement of any successful results was almost hopeless. Through the kind offices of Major Gurdon, Deputy Commissioner, to whom I appealed for assistance, Imám Ali, the Thanadár of Bassi, was suspended for his obstructive conduct, and the services of several Patiála and Nábha officials of high standing were placed at my disposal.

District Superintendent goes to the spot, and gives a short account of the occurrence.

3. On the 20th of January 1877, accompanied by some of my best detective officers, I arrived at Khanna, and personally took up the investigation. I inspected the scene of the dakaiti, and carefully went over the ground, following the tracks of the offenders to village Saliáni. The police had made but little progress towards detection up to this stage, but the facts elicited by them showed that a party of four Afgháns had sold "*majit*" at Patiála during the installation of the young Maharájah, and had realized a large sum of money with which they were returning to their native country. On the 12th of January 1877, shortly after candle-light, they were attacked by a band of dakaits near the Allaur road post, within a mile of the Khanna station. The slight resistance offered by the Pathans, who were unarmed and unprepared, proved of no avail. They were easily felled by "*láthi*" blows delivered unsparingly, and plundered of all the cash they carried, amounting to Rs. 820. As it was an unusually stormy and rainy evening, their cries failed to attract the attention of the police, and it was not until the robbers had made off with their plunder that the Khanna police, on being informed of the occurrence by one of the Pathans, made their appearance.

Describes circumstances rendering detection difficult.

4. A small axe, some bamboo sticks, a sheet and an old "*bali*" broken in two were found at the spot. Ignorance of Hindustáni precluded the Pathans from describing all the circumstances attending the attack and plunder. They had but a vague idea as to the number of the dakaits. The sale of "*majit*" in Patiála, where Rs. 548 were received by them, openly suggested the inference that they must have been followed from there by the dakait band, and the finding of the broken "*bali*" (subsequently accounted for by the Patháns) being too bulky to be carried about with convenience, drew suspicion on the local bad characters, whilst the fact of the attack being made just as the Pathans passed out of Patiála and entered British territory, produced the impression that most probably the offenders were led by Patiála subjects intimately acquainted with the geography of the country.

Plans adopted for working the case.

5. I deputed Sarfaráz Khan, Deputy Inspector, to prosecute inquiries at Patiála. Jagat Singh, Deputy Inspector, was sent to the Ferozepore district and to the adjoining Native State of the Farídkot Rajah, both places being well known as having furnished the most daring bands of dakaits, whilst I established my camp at Saliáni where the tracks of the offenders terminated.

Incorrect information and false informants baffle the police.

6. Information of sorts was furnished in abundance by secret agents, which, on being tested, turned out incorrect. Buta Singh, a Ját of village Ballián in Patiála territory, came forward of his own accord and volunteered information. He represented that for a trivial offence he had been proclaimed an outlaw, and as every crime committed in his village was always laid at his door, he was determined to abandon the precarious life he had been leading by rendering some conspicuous service to the British Government. He then gave an elaborate account of this dakaiti, describing how, and by whom, it had been projected; named all who were concerned in it, taking care to include himself; entered into the most minute details as to the various places of "rendezvous," and the subjects discussed at the different stages, the amount plundered, and the proportion in which it was divided; yet, the whole of his statement, which took six hours writing, and nearly a whole month investigating, turned out a tissue of falsehoods.

Success attends the efforts of the police.

7. Our hopes of success revived more than once only to be followed by unmerited disappointment. Baffled and discouraged, the police never faltered for a moment in their duty, and their honest efforts were eventually rewarded with success. Before the end of April 1877 all the offenders were traced and apprehended. Nearly a month was absorbed in collecting evidence and verifying the confessions made before the Magistrate by Jiwan No. 1, Kowla No. 2, Anokha No. 3, Sawan No. 4, and Nanda No. 6.

First clue.

8. The first clue was obtained by Sarfaráz Khan, Deputy Inspector at Patiála, against Mewa No. 9 and Sunder No. 10, who were seen by two prisoners, Sampuran Singh and Khushál Singh, in Patiála during the installation. This was confirmed by the evidence of Bishna, Brahman of Essroo, who, in February, deposed that Mewa No. 9, Sunder No. 10, Anokha No. 11, and two or three others, passed his village on the morning of the 13th of January.

Second clue.

9. The second clue as to the Sibián and Farídkot dakaits being absent from their homes at the time of the dakaiti was furnished by Jagat Singh, Deputy Inspector.

Third clue.

10. The third and most important clue was supplied to Abul Kásim, Deputy Inspector, by Mamoo Khan, lambardár of Dhanair, and Fatta and Mehtab Singh, lambardárs of Dhulkote, which enabled the police to identify Jiwan Singh's party with the dakaiti.

Case made over to Magistrate.

11. The police made the case over to the Magistrate on the 23rd of May. Jiwan Singh, accused No. 1, was admitted as an approver, and after a lengthy enquiry the other ten offenders were committed to the Sessions.

Result of trial at the Sessions.

12. The trial at the Session was concluded on the 11th of August, and the accused having been found guilty were sentenced as follow :—

Kowla	No. 2	Fatta	No. 8	Transported for life.
Anokha	No. 3	Mewa	No. 9	
Sawan	No. 4	Sunder	No. 10	
Dyála	No. 5	Anokha	No. 11	

Nanda No. 6 } Transportation for 7 years each.
Hira No. 7 }

Confession of Hira.

13. Hira, accused No. 7, confessed at the trial before the Commissioner.

Reference to Commissioner's judgment and Chief Court's order.

14. The daring character of this formidable band of dakaits, and the steps taken by the police to bring them to justice, will be better appreciated by a perusal of the Commissioner's judgment and the Chief Court's order dismissing the appeals in this case, copies of which are subjoined.

Inspector General's satisfaction with the conduct of the police, and reasons why rewards are necessary.

15. The Deputy Inspector General of Police, in his docket No. 1638 dated 28th August 1877, conveyed an expression of the Inspector General's satisfaction with the conduct of the police in this case, and at the same time requested me to recommend special rewards for deserving police officers, and others. To comply with this request is, I think, the most pleasing part of my duty in connection with this case. Most of the men engaged in the investigation had just returned from duty with the Imperial assemblage at Delhi, but they cheerfully undertook this fresh and most harassing task. They were out in camp for several months, and were more than once without shelter of any kind, exposed alternately to heavy rain, cold and excessive heat. I never had any complaints from them, and their zealous devotion to their work merits my sincere acknowledgment.

List of rewards proposed to be paid.

16. A list of officers and men, as well as of private individuals, with the amount of rewards proposed to be given recorded against their names, is attached. The entire sum amounts to Rs. 1,189, towards which the Patiála and Nábha states have contributed Rs. 529, that is, Patiála has paid Rs. 125 and Nábha Rs. 404.

Amount of rewards required in addition to sums contributed by Native Chiefs.

17. After deducting the sums contributed by the native chiefs which I hold in deposit, a balance of Rs. 660 has to be made good, which I trust will be sanctioned by the Inspector General. This amount includes the Rs. 200 offered by the Deputy Inspector General in his No. 93, dated 22nd January 1877. I regret that economical considerations have precluded me from recommending rewards for those Patiála and Nábha officials mentioned in the subjoined list, who throughout the investigation took an active part, and rendered most valuable assistance, without which it would perhaps have been impossible to detect this case. Their services have already been acknowledged, commendatory "Parwánas" having been granted to them by the Commissioner and Deputy Commissioner; but as I witnessed the hardships these officials went through for several months, I would respectfully ask the Inspector General to obtain for

Services of Patiála and Nábha officials noticed.

them, and especially for their respective Governments, an expression of His Honor the Lieutenant Governor's satisfaction. Both the authorities at Patiála, and His Highness the Rajah of Nábha, took a deep interest in the case and rendered the most cordial assistance.

Abul Kásim, Deputy Inspector, especially recommended.

18. In conclusion, as a special mark of my appreciation of Deputy Inspector Abul Kásim's services in this important case, the investigation of which was conducted by him under my supervision, I beg to recommend him for promotion to the grade of Inspector, which he has undoubtedly well earned. He not only displayed great tact and detective ability, but also strictly kept in view all the formalities laid down by law, and thus rendered the police records of such immense value that they were perused with interest and considered most reliable by the Judges of the Chief Court who heard the appeals.

Sarfaráz Khan, Deputy Inspector, and Kalander Khan, Sergeant.

19. I should be rendering my duty imperfectly if I were to exclude Sarfaráz Khan, Deputy Inspector, and Sergeant Kalander Khan, from a share of special consideration. They took an active part throughout the investigation, and fully deserved the commendation bestowed on them by the Commissioner. I beg therefore to recommend the promotion of Sarfaráz Khan from the 2nd to the 1st grade of Deputy Inspector, and the advancement of Kalander Khan first grade Sergeant to 3rd grade Deputy Inspector. Jagat Singh, Sergeant, has already been promoted to Deputy Inspector.

CAMP RUPALON, }
1st *September* 1878. }

J. P. WARBURTON,
District Superintendent of Police.

In the Court of Sessions, Umballa Division.

THE CROWN

versus

Anokha Maina, and 8 others accused.

CHARGE :—Dakaiti, Sec. 395 I. P. Code.

JUDGMENT.

1 The evidence of Jiwan Singh, to whom pardon was offered by the Magistrate committing the case, shows the general facts to be as follow :—

The understanding of the case will be still further facilitated by a reference to the sketch map, scale 4 miles to the inch, which is being prepared to form part of the folio of the case.

A perusal of the correspondence printed in the Police Report for 1865, regarding dakaities in the Cis-Sutlej states, will also assist in a proper understanding of the case.

2. Jiwan Singh of Sibián, on the borders of Farídkote and Moga, Ferozepore, some time in December 1876, went to Bagiána, noted as a dakait village in Major Tighe's list in the above correspondence, and arranged with Hira and Fatteh, accused, to go out with a gang. Futteh is one of the names in the above list. These two accordingly came to Jiwan's house some days afterwards. Hira remained at Sibián, and Fatteh and Jiwan went to Kowla, accused, at Rajiána, and told him to go over to Dilwan, named in above correspondence, and wait for further orders. They then returned to Sibián and getting on a camel went to Jaithu Nábha, and warned Anokha accused, and by his advice went on to the neighbouring village of Chunderbhan, and warned Sawan and Dialá accused. The day after next all the above-named had assembled at Sibián except Kowla, and it was arranged to rendezvous at the spot sacred to the small-pox goddess called the "Marris" near Hadiyah: on the way there Futteh and Anokha were sent to fetch Kowla and Sawan, and Hira made a detour to the house of the sister of the latter at Dhúlkot (not the Dhúlkot of Mewa, &c.). Here they slept, and next day arrived at the Hadiyah Marris where next morning the 7 were all assembled.

3. Fatteh and Anokha stayed behind to get shoes, the rest going on to Dhanowla and thence to a tank where they slept, and next day to Sunám, where Fatteh and Anokha joined them. Next day they went to Jhool, ate food there, went on and slept at a village whose name he does not know, and next day got to Nábha, where they stayed two nights and a day, and having eaten at Dublán on the road, got to Patiála. At Patiála the arrangements for the installation of the Maharájah by the Viceroy on the 6th January were in progress. Here the gang were fed at two different cook shops, and slept at two "serárs," while Jiwan and one or two of the gang frequented the house of Sirdárni Prem Kour, witness No. 2, whose house used to be frequented by the celebrated dakait Hira Mahar. Here the story becomes somewhat vague; and it appears from confessions made before the Magistrate that they made several expeditions without success. They then thought their party too small, and Kowla was sent to Dhúlkot on the borders of Ludhiána, and he is said to have returned in three days, having done 100 miles, with Mewa, Anokha (2), Sunder and Nanda, accused. Meanwhile the complainants, a party of 4 men from Dera Ismail Khan, with 13 camels laden with *majit*, had arrived, and were inspected by the leading men of the gang. They sold their *majit*, but had some delay in getting their cash, during which Jewa and Mewa discovered that they meant to go to Machiwára to buy sugar *via* Khanna.

The morning after getting their money the traders started by a cross road *via* Rurká for Khanna on the grand trunk road. This is said to have been the fourth day after the installation. The traders were followed by the gang at a distance, one of the number always keeping them in sight. The gang had purchased 7 bamboo "láthis" at

Patiála. That night they intended to attack them, but as it rained, the traders put up in the gateway of a village, Rurka, and they were afraid to attack.

They had cut four sticks in a field here. Next evening as they were getting near Khanna, after one attempt, in which they were disturbed by a party of 6 travellers passing along the road, they attacked the caravan, having cut 4 more sticks from the branches protecting the new laid kankar, and having cut one of the bamboos in half.

4. The three owners were most severely handled, being left for dead, the servant escaping with a wound on his hand. Rs. 820 cash were taken away from three waist belts worn by complainants. The complainant, Umar Khan, has four or five very large scars on the top of his head, and was unable to leave his *chárpoy* for a week. He, however, got up pretty soon from the ground, as is clear from the fact of the hasty retreat of the dakaits, who left an axe, two láthis, a sheet, and a piece of rag. He staggered along the road crying out, and was heard by the men at the Thánah, who turned out at once, and passing him sitting on the road ran on to the others who had also found their legs and been joined by police from the Chowki in the rear.

5. The tracks of a number of men were carried next day (for it was raining with too high a wind for torches that night) to the ditch of the Saliána village, some 2 *kos* off in Patiála. A little way further on, the property, Rs. 820 cash, was divided—Rs. 74 each and Rs. 6-8 for expenses to Jiwan. Hira carried off an iron cart ring and packing rod or needle which he had made into two cart pieces at Patiála, keeping the remnant, which, with the cart ring, was sworn to by complainant.

6. After dividing the cash, six of the dakaits went home, but Jiwan, Hira, Dyála, Sáwan, and Fatteh Singh returned to Nábha and then to Patiála, where Dyála had a coat made out of a cotton choga, the remnants of which, produced by the darzee who altered it, are sworn to by complainant, and evidently belonged to a frontier made choga. Hira, also Jiwan Singh, gave Sirdárni Prem Kour Rs. 25, as she admits, as a loan.

7. Hira Singh, accused, after denying before the Magistrate at Jagráon, of his own accord confesses, and substantiates Jiwan Singh's statement in every particular.

Five of the accused confessed originally before the Magistrate but retract now.

8. The evidence shows that the police got on the tracks at two places, one at Sibián on the borders of Ferozepore, where they found from the lambardárs that Jiwan and other suspicious characters had been absent at the time of the dakaiti, which was well marked by its having taken place on the day of the Lohri, which was celebrated six days after the installation at Patiála. Jewa and Anokha being separately seized and confined, made disclosures.

9. About the same time, Mamoo Khan, who is said to have been too familiar with dakait gangs in former times, although not a dakait but a lambardar of position, had been called on to assist by the police,

and had heard of the absence of the Dhulkot men from their village at the time of the dakaiti.

Having seized all the parties named, the police then called on those who confessed to say what they had done with the money, and also to point out persons corroborating their statements as to movement, &c.; for this purpose they took them about to the different cities and villages; and in this way the iron ring and fragment of the packing needle were produced as evidence in support of the confessions. These articles are also identified by the complainants.

The accused, with the exception of Hira, all deny.

Those that confessed say they were beaten till they did so, and then were taken and made to point out persons from whom they were supposed to have bought shoes or what not, and then those persons were persuaded to give evidence to support their assertions.

10. This question of torture and confession must be first dealt with. Those who did not confess, do not say that they were beaten except Dyála. I have taken particular care to satisfy myself as to their state when brought to the Deputy Commissioner in camp at Jagráon to record their confessions. Instead of having, as they state, been beaten for five days at that place and starved previously till the dysentery which broke out was induced, and was they say treated at Patiála, the Magistrate, who recorded their depositions one after the other as fast as he could after arrival, states that they were decidedly "happy," and in good case, chaffing and laughing with each other, which exactly describestheir present state in court.

The accused, Sáwan, has marks, said to have been those of ropes, on his arms, but from the enquiry made and the appearance of the marks on his arms and on Híra's, who at one time made a similar complaint, I have no hesitation in finding that the marks are fraudulent.

Sáwan, although his deposition was not recorded till 5th June, many days after his being made over to the Magistrate's Jail, although he recanted his former confessions, made no mention of the marks on his arms, which are at the present day visible to any one fifty yards off, and although they were said to have been inflicted at Jagraon on the 20th-25th April. The whole band are a sharp, determined set of lawyers, and had they been tortured into false confessions would have said so the instant they were brought before a Magistrate. I do not believe one word of the torture story.

11. As regards the whole gang. I must record the fact of their practical intelligence in cross-examination, and in defence, which were much more marked than I have been able to reproduce on the record.

Then, although most of them deny any knowledge of the others, it was evident throughout the five days' trial that a perfect intelligence existed among them, and their disposition to chaff and make signs to each other was very marked. With the exception of Nandá, brother-in-law of Sander, they are none of them the green country men who can be bullied into anything by the police.

12. As regards the confessions, the stories are the same in the

main, and differ in several details, particularly as regar
of plunder divided, either because Jugta, brother of Mewa,
of the gang, whether present or not, or because there was other
property also divided regarding which they wish to keep silent.

Neither the confessions nor the depositions of the witnesses have any appearance of being tortured. More than one witness says he recognizes so and so, because he told him that he was the man who had bought from him, and recalled circumstances to his memory, but that he had no actual remembrance of the identity of the original man.

Ludhiana, 11th August 1877. — *Judgment written so far, and sentence pronounced on the accused in court.*

To deal with each case separately—

13. Jiwan, approver, and Hira, accused, name each of the ten accused as having been present at the dakaiti.

Anokha confessed on 20th March to the Magistrate at Jagraon, and began again to confess as approver on 26th May when he had been 24 hours in judicial lock-up; but as he began to prevaricate, the Magistrate rescinded the offer of pardon. Mussamat Prem Kour proves that he was at Patiála with Jewa, Mewa, and Dyála, two or three days before the dakaiti. Bunsee (No. 12) remembers there was a man called Anokha, who went about with Jiwan Singh just before the dakaiti, but cannot recognize him now. He recognized him before the Magistrate. Musst. Sobbi (14) recognizes Anokha as having eaten at her shop on the day of the installation at Patiála in company with Jiwan, Anokha (2) and Kowla.

Saudagar (23) saw Anokha cook food at his well the day before the dakaiti with six others of the gang.

Bishna (24) says he saw Anokha with the rest of the gang the day after the dakaiti, but his story differs much from that told to the Magistrate, and is clearly not truthful in details, and cannot be held as good evidence against Anokha specially.

This witness gave information to the police early in the case, but was evidently distrusted even by them; but I have little doubt he did see some of the gang on their way home.

Attar Singh's (25) recognition of Anokha is too doubtful to be accepted against Anokha. Yausuff (34) borrowed Rs. 20 from Anokha four days before he was arrested, so also Fatteh Singh (35), Kadir (36), Jhakur (37), Attar Singh (38), Punjaba (39)—total 50. Each individual giving up the money so taken to the police. Moho Singh (40) was present when three pieces of cloth were given up from his house by Anokha, who said he had bought them with the stolen money.

Anokha pleads that he was at his village. The story told by his three witnesses is evidently got up.

Kowla confessed before the Magistrate. Mohandeel (71) recognizes Kowla as the man who said he had bought shoes from him; and

recalled circumstances of the sale to his recollection; before the Magistrate he pointed out Anokha. They are very much alike, but this evidence cannot be considered reliable.

Sita Ram (8) has two entries in his book 17 days before the Lohri, in which a stranger points out that Kowla and Jiwan Singh bought 4 annas worth of *ladu*, and another stranger points out that Jiwan and Dyála bought 8 annas of *gazi* cloth, of which he shows the bale which agrees with the pagree found on Dyála.

This is not an original recognition, but a recognition after the man recalled the facts to his recollection.

Mussammat Sobi recognizes him as having eaten at her shop in Patiála with Jewá and the two Anokhas. The same remark applies about recognition, and does so to all this class of witnesses. Dyal Sing (15) saw him and others of the gang have a dispute about attá in a serái at Patiála at time of installation.

Nabbiá (20) and Mungoo (21) recognize Kowlá, as having warmed himself with others of the gang, at the fire where they were warming a sick donkey about the time of the attack and on the road from Patiála to Khanna. Nabbia's recognition of Kowla is very doubtful, as he is a nervous man in very weak health. Saudagar (23) recognizes Kowla and others of the gang as having cooked their food at his well about the time of the attack, and on the road from Patiála to Khanna. Bishna recognizes Kowla as having come to his village which is near Khanna about the time of the robbery along with others of the gang. Kapur Singh (41) says Kowla paid up 8 rupees, "rent," four or five days after the dakaiti.

Bhoopa (42) sold Kowla a buffalo, and was paid Rs. 22 by him fifteen days after the dakaiti.

Kowla denies—story all got up by the police, who beat him and made him confess—no witnesses.

Sawan confessed before the Magistrate, and recognized the sheet as his which was found at spot of dakaiti.

Sita Ram (8) points out Sawan as the man who said he had bought the *ladu* entered in his book.

Rada (9) points out Sawan as the man who said he had bought shoes from him.

Udum (13) points out Sawan as one of several of the gang who ate at his shop at Patiála at the installation.

Dewa Singh (27) saw Sawan with Dyála when he got the stolen choga altered six days after the attack.

Jaggat Singh, Deputy Inspector of Police (29), heard Jiwan and Sawan had been absent about time of dakaiti, which led to their apprehension.

Dhanput (44) got 1 rupee for coarse cloth from Sawan's mother ten days after the Lohri, *i. e.*, nine days after the attack.

Gurpurpurshad (45) got 2 rupees as a votive offering from Sawan's mother 20 days after the Lohri.

Karm Singh (46), got Rs. 4 from Sawan's mother ten days after the Lohri, who bought cloth with it.

Wazirá (47), had a necklet in court worth Rs. 15, made up for Sawan's mother after the Lohri.

Kádar (43), was not asked if he recognized the sheet said to belong to *Sawan*, and which before the Magistrate he recognized as his make; it was found at the dakaiti. This man was so nearly a fool that I paid little attention to what evidence he might give. Sawan admitted this sheet to be his before the Magistrate.

Sawan says he was absent with Fakirs wandering about the country at the time of the dakaiti, but has made no attempt to prove it.

Hira denied before the Magistrate, but now makes full confessions, detailing all the movements of the gang; his statements are confirmed by the following witnesses. Udum (13), to his eating with others of the gang at Khazán Singh's at Patiála; Radhá (26), to Hira buying two bamboos for cart rails five or six days after the Julsa; Saudagar (23), to his eating at his well with others of the gang. Dewa Singh (50), to the iron ring and needle and one blanket purchased with stolen money being found in his house and another blanket found with Kammoo (51), Kashmiri; also a coat pointed out by Hira hid in his field. Ramma (52), confirms this.

Gulab (28), to Hira and Jiwan coming to his shop and getting the needle, ofw hich he recognizes the remnant, made witht wo cart pins eight or nine days after the installation. Mamoo Khan (4), to Hira bringing out the needle and ring from under the earthen almirah in his house.

Umar Khan (1) complainant—to the identity of the fragment of the needle which is varnished, and to the iron ring as belonging to his party.

Nanda before the Magistrate confessed that he was of the party and held their clothes during the attack; got none of the money.

Dyal Singh (15), saw Nanda with others of the gang sitting at Buta Singh's shop three or four days before the installation at Patiála. Kharrak Náth (16), saw Nanda at time of installation in Patiála. Bishna (24), pointed out Nanda as with the gang after the dakaiti, but I do not much rely on his evidence. *Nanda* pleads he never left his village; was beaten and made to confess.

Of his witnesses to this two *alibi* deny all knowledge of the facts; another, his uncle, and a fourth, his distant cousin, give unreliable-looking evidence.

Dyala did not confess before the Magistrate. Sita Ram (8) shows entry in book for 8 annas of cloth. "Two strange zamindars" (Jats) recognize Dyála, as one pagri, admitted by Dyála to be found on him, agrees with cloth produced by witness.

Radha (9) points at Dyála as the man who was with Sawan when he bought shoes; first pointed out Anokha (2), who is like Dyála;

Mussammat Sobbi (14), points out Anokhá (2), who is like Dyála, as having eaten at her shop; before the Magistrate she pointed out Dyála.

Dewá Singh, (27), altered cotton choga (of which pieces are in court, and are recognized by complainant) into a "*was-coat*" for Dyála at Patiála six days after the Lohri.

Dyala denies, says he was beaten by the police, but did not confess before the Magistrate; that he pointed out the above witnesses as the police told him

Witnesses to *alibi* uncle-in-law and brother of the same; give evidence not reliable; former prevaricates greatly.

Fatteh.—Udum (13) recognizes Fatteh as having eaten at his shop with others of the gang at Patiála at the installation.

Futteh's name is down in Major Tighe's list. He has also been convicted of dakaiti and suffered two years' imprisonment, having confessed; the rest got seven years each; amount stolen Rs. 4,242.

Fatteh denies; says he was away at Pertha at Rythut.

His witness Harjas (10), lambardar, was absent from the village at the time, but saw him there a month later; evidently most unwilling to give evidence.

Khushal Singh (11) supports accused; had just got out of Nábha Jail himself; is first cousin of accused; Kulla, also a first cousin, supports accused.

This evidence is worth nothing.

Mewa.—Sumpurun Singh (10), a prisoner in Patiála Jail, saw Mewá several times during this installation; had been in jail with him before.

Mussammat Prem Kour (10) saw Mewa at her house with Jiwan Singh at time of Julsa installation.

Mehtab and Fatteh and Rhodá Chowkidár (13), and Nanda lambardar (32) of Dhulkot state Mewa was absent from his village, as also were Sunder and Anokha (2) at the time of the dakaiti

Shahamat Khan (33), constable of Patiála Thanna, had been sent to get hold of Mewa, Sunder, and Anokha just before the installation, on purpose to prevent their going to Patiála for the installation, as being well-known budmáshes, and found them gone.

Mewa denies, and along with his relations Sunder and Anokha produce five witnesses to explain their absence from their homes by saying they had gone to another village to help a relation of theirs to rebuild his house, but found he had gone to Patiála along with other Jágirdárs to the installation, and that they left the village the day before the Lohri.

The evidence of these witnesses, from the way it was given, is worth nothing; two of them were arrested for highway robbery four years ago, but were released. Mewa was convicted in three different

cases of house-breaking by night in Ferozepore, and sentenced to three years' imprisonment and Rs. 150 fine.

Sunder.—Dyál Singh (15), saw Sunder with others of the gang at a cook shop in Patiála at the installation.

Nabbia (20), recognized Sunder as one of the men who warmed themselves at his fire the day before the dakaiti; is not sure about the others.

Mangu (21) ditto.

Kishan (22) could not appear (just confined): before the Magistrate recognized Jiwán Singh and Sunder as having cooked for them about the day of the attack.

Attar Singh (25) saw Sunder with Anokha at Dhamote about the time of the Lohri.

Mehtáb (5), Fatteh (6), Rhoda (31), Nanda (32), Shahamat Khan (33) gave similar evidence as they did regarding Mewa.

His defence and witnesses are the same as Mamoo's.

The following witnesses corroborate approver's statements.

Inyate (17) to the purchase of *láthis*; Nanu (19) to clubs being out in his field at the time of the Lohri.

Kaná (54) to six ornaments made for Jiwan Singh.

Chuhar to Jiwán Singh getting a *láthi* cut in two, *Bhut Maggru*, at the time of the Lohri.

14. As I have stated, the evidence corroborates the statement of Jiwan Singh and Hirá sufficiently to convince me that those stories are true.

I have no hesitation in finding that all ten accused were concerned in the dakaiti and actually present at it.

The assessors seemed to have no difficulty in arriving at the same opinion, and find them guilty of dakaiti.

15. I sentence Anokha, Kowla, Sawan, Dyála, Fatteh, Mewa, Sunder, and Anokha (2) to transportation for life. The reason for these severe sentences is the deliberate way in which the gang set to work. The violence used, which nothing but the thickness of Umar Khán's skull prevented its being accompanied with murder. The fact that this part of the Punjab, where Native States and British territory lie about like the squares in a chess board, has always been the home of dakaiti in the Punjab. It was suppressed by the Thuggee Department, which had a resident assistant at Ludhiána. Twelve years after his removal it again got a-head, and had to be suppressed by vigorous measures carried out by Major Tighe and Captain Parsons, and now, twelve years later, it is again breaking out, seven or eight dakaities having been reported since the 1st of January.

Nanda is sentenced to seven years transportation only on account of his evidently being a young hand at it, and a similar sentence is passed on Hirá in consideration of his confessing.

16 The formal sentences will bear date 11th August, the day on which they were pronounced in court. I found it impossible to complete the abstract of the case at Ludhiána, as I had appeals fixed up at Kassauli.

18th August 1877. (Sd.) J. W. MACNABB.

Sessions Judge.

The Crown *versus* Anokha, Mewa, and 8 others.

Note.—Mr. Warburton, District Superintendent Police, deserves the greatest credit for the patient, persevering and intelligent way in which the police enquiry in this case has been carried out.

Abdul Kásim, Court Inspector, and Sergeant Jaggat Singh, acting Deputy Inspector, both showed real detective powers in making their enquiries; Kallander Khan, Sergeant, acting Deputy Inspector, was prompt in turning out to the assistance of the wounded men.

Ahmad Hussain, Naib Názim, Patiála, is reported to have been of very great assistance. Muhammad Tukku, Naib Názim, Radha Lall Naib Adalati, and Achru Mall, Vakil of the same State: Monowar Ali Khan, Názim, Bukhsheesh Singh and Partáb Singh, Naib Názims of Nábha, will also be thanked for their exertions in the case.

(Sd.) J. W. MACNABB,

Commissioner.

In the Chief Court of the Punjab.

Criminal Appellate side, cases No. 392, 404, 504, of 1877.

Present:

H. M. PLOWDEN, Esquire, }
J. W. SMYTH, Esquire, } Judges.

Appeals from the order of the Sessions Judge, Umballa Division, dated 18th August, 10th July, and 11th August 1877.

392. Anokha, Kawla, Suwan, Dyála, Fatteh, Mewa, Sunder, Anokha, (2), and Nanda
404. Sawan Singh
504. Hira
} Accused,

versus

The Crown Prosecutor, *Respondent.*

392, 404,—504, Charge:— Section 395, Indian Penal Code.—

Sentence { 392.—Against Anokha, Kawla, Sawan, Dyala, Fattah Mewa, Sundar, Anokha, (2) transportation for life; against Nanda, transportation for 7 years.
404 transportation for life.
504 transportation for seven years.

These appeals have been brought in this case from the Sessions Judge's order, *viz.*, one by Sawan Singh, one by Hira, and the third by the remaining prisoners jointly. Anokha, Kawla, Dyála, Fattah, Mewa, Sunder, Anokha (2) and Nanda. It will be convenient to consider the three appeals together.

The reports of the police investigation in the case are very voluminous, but they repay perusal. It appears that a party of 7 Belooches or *Viláyatis* came from the direction of Dera Ismail Khan with 23 camels laden with *majit.* They came *via* Ferozepore, Jagraon, Raikot to Kotla. There, three of the party with 10 camels separated from the others. The remaining four, *viz.*, Umar Khan, Meer Baz Khan and Gulbaz Khan with their servant Timour Shah, with the remaining 13 camels continued their journey from Kotla *via* Sungroor and Samána to Patiála. In Samána they sold two camel-loads of *majit* for Rs. 145, and some more *majit* in a village about 4 *kos* from Samána for Rs. 70.

They arrived at Patiála two days before the installation of the young Maharaja on the Musnad, which took place on the 6th January 1877, and was an occasion when many strangers from all parts were assembled in Patiála to see the ceremony. On the 8th January the Belooches sold the remainder of their *majit* in Patiála through Byora Dullal, and they received the price, about Rs. 548, from him on the 9th January. This transaction took place openly in the Bazár, so that the numerous strangers assembled at Patiála at the time had ample opportunity for ascertaining that the Belooches had acquired a large sum of money at Patiála. The money then in their possession, the proceeds of the sales at various places, amounted in all to Rs. 820. Umar Khan, Meerbaz Khan, and Gulbaz Khan placed this sum in waist-belts which they wore round their bodies.

They started with this large sum on their return journey from Patiála on the morning of the 11th January. They halted for the night in a village about 12 *kos* from Patiála. They continued their journey next day, passing by the Baráh Parao, and coming upon the grand trunk road, they halted for a short time at an empty chowki on account of heavy rain which then began to fall. They passed the Allaur chowki in the evening on their way towards Khanna. Shortly after passing this chowki, and when within three *kos** of the Khanna Thana, at about 7 o'clock on the evening of the 12th January, they were attacked by a band of dakaits, who wounded one or two of the party severely, and carried off all the money. Umar Khan hastened on to Khanna, and gave the alarm at the Thana there. The others went back, and gave the

---

* Only 1½ miles.

alarm at the Allaur chowki. The police arrived at the spot without delay, but the night was very dark and cloudy, and rain also was falling, and little could be done that night in the way of following up the dakaits. Next day, the 13th, in the afternoon, Mr. Bamfield, Assistant District Superintendent of Police, arrived on the spot, and conducted the enquiry, which had already been begun by the Thanna officials. The tracks of ten men were followed up to a village, Saliáni, in Patiála territory, and there they were lost. Various articles were found strewn along the route, but it is only necessary to mention here a small axe and a chadder which had been left by the dakaits.

In the first report made to the police on the 12th January, the number of the dakaits was stated by the Beelooches to be 12 or 15. When examined on the 14th, they stated the number to be 10 or 12, but that was after the police had reported on the 13th that the tracks of ten men had been carried to Saliáni. They were again examined at considerable length by the police on the 18th January, and they then stated that they thought the dakaits were not fewer than 15 or more than 20. Looking therefore at the earliest statements of the Beelooches, and making allowance for some tendency to exaggerate on occasions of this kind, I think we may infer that the number of the dakaits was from 12 to 14.

I do not consider it necessary to do more than indicate, very generally, the course which was followed by the police in their enquiry. At first they enquired regarding the whereabouts of known bad characters on the night in question, and as to whether they had gone to Patiála on the occasion of the installation ceremony. Nothing of any importance was elicited in this way for some time. But in the report of 28th January, the Deputy Inspector, Sarfaráz Khan, writing from Patiála stated that one Utam Singh, an employé in the Patiála Jail, had heard something from one of the prisoners which might furnish a clue. This was followed up by the report of the 31st January, in which the Deputy Inspector stated that Utum Singh had heard from a prisoner Khushal Singh, who had heard it from another prisoner Sumpoorun Singh, that two or three days before the installation at Pattiála, Mewa Singh and Sunder Singh of Mouzah Dhulkot, with three other persons from Mauza Dhulkot, had come to Patiála. Khushal Singh and Sumpoorun Singh were accordingly examined, and they confirmed this as regards Mewa Singh and Sunder Singh; and the other persons they named were Gujar, Narain, Jawahir, Buddo, Gool, and others. This is the first time that Mewa Singh and Sunder Singh, who are two of the present appellants, were named in the police enquiry. The Gujar here named, may be an *alias* for Anokha Dhulkot.

The police continued the enquiry, but nothing of importance was elicited till the 11th February, when a Police Sergeant, Hashmat Beg, reported that the lambardars of Dhulkot, and Kattar Singh, lambardar of Nathewal, state that, after returning from the Patiála Jalsa, *Mewa and Sunder Singh and Gujar*, alias *Anokha*, squandered large sums, and that they had no means of livelihood except by robbery and dakaiti.

All these were sent for, and on the 10th February the police reported that Mewa, Sunder, and Gujar denied that they had gone to Patiála on the occasion of the Jalsa. The lambardars, on the other hand, declared that all three had left the village before the Jalsa, and returned to the village a week after the Jalsa, and that they had given it out to all the village people that they had seen the Jalsa.

On the 17th February the prisoner Sumpoorun Singh was again examined by the police, and he persisted in saying that Mewa and Sunder, and Gujar, were at Patiála during the Jalsa. He added that Sunder had an axe with him. Khushal Singh, prisoner, also reiterated that he had seen them at Patiála on that occasion.

On the 18th February a *khat* was received from the Naib Nazim saying that he also had received intimation that Mewa and Sunder of Dhulkot and another Jat of the same village had been concerned in the dakaiti.

On the 24th February Buta Singh, and on the 28th February Lehna Singh, made statements tending to implicate Mewa, Sunder, and Anokha.

Nothing definite, however, was elicited, and the enquiry was directed into a new channel on information given by one Buta Singh. It was eventually considered by the police that Buta Singh's story was false, and I need not therefore refer to the proceedings from the 7th to 19th March, which had relation to Buta Singh's information.

In the report of 20th March are two statements of Dewa Singh's implicating Mewa.

On the 21st March the police got further information against Mewa, Sunder, and Anokha, and implicating persons resident in Sibián in the Farídkot territory, and in Rajana in the Ferozepore district. This is the first time in the proceedings that residents of these two villages are accused.

In the reports of 22nd to 25th March we find that the lambardárs of Dhulkot were sent to Sibián to enquire quietly there as to who were suspected. On the 25th March the Naib Nazim of Nábha reported that he had got information implicating Jiwan of Sibián, Shera of Farídkote, Fattah and Sawan.

On the same day the lambardars of Dhulkot gave an account of their interview in Sibián with Jewan.

On the 27th March Jewan's house was searched in Sibián. On that day also Anokha of Jetu was mentioned as a great friend of Jewan's. Jewan was arrested and put in Havalat on the 27th March, and Mehr Singh Sergeant was sent to arrest Anokha of Jetu.

On the 29th March a "Rooka" was received from Mehr Singh saying that Anokha of Jetu admitted he was concerned in the dakaití, and named as his accomplices Sawan Singh, Dyala, Bishna, a zemindar.

with the name of Bag* as an *alias*, Hira, Fattah, Jewan of Sibián; total 8. Thereupon Jewan was taken to Jetu, and arrangements were made for the arrest of Dyala and Sawan, who were described as absconding for two months. Anokha of Jetu was questioned, and he described Jiwan of Sibían and Fattah † of Bagiana as the prime movers in the dakaiti. He gave an account of the affair, in which he repeated that the persons concerned were the eight named above.

On the 30th March Anokha of Jetu was examined at length by the police, in which he still at first only mentioned the above eight persons.

On the 31st March Jiwan Singh offered to make a disclosure if favor was shewn to him, and proceeded, without having received any promise, to give a full account of the dakaiti. He stated that the persons concerned were himself, Fattah, Dyala, Anokha (of Jetu), Sawan, Hira ‡ Kawla, Mewa, Jugta, (brother of Mewa,) Sunder, Anokha (of Dhulkot), and Bana *alias* Nanda (brother-in-law of Sunder).

It will be observed that these names differ from those given by Anokha. Jiwan denied that Shera *alias* Bag, named by Anokha, was concerned in the affair; whereas Kawla, Mewa, Jugta, Sunder, Anokha (of Dhulkot) and Nunda, named by him were not named by Anokha (of Jetu). Upon this Anokha was again questioned, and he stated that it was true that Mewa, Sunder, Anokha (of Dhulkot), and Sunder's brother-in-law were concerned in the dakaiti.

Jiwan's statement was then taken down by the police in detail.

On the 1st April orders were issued for the arrest of Kawla of Rajana, and on that day Hira made a statement to the police naming the same 12 persons that Jiwan had named; on 2nd April Anokha (of Jetu) identified the axe as Mewa's, and the chudder as Sawan's.

On 2nd April Kawla's statement was recorded by the police, in which he admitted that he had joined in the expedition at Jewan's instigation, and had acted as Jiwan's servant, and had got a share of the booty. On the 3rd April he confirmed Jiwan's story to the effect that he (Kawla) was sent to bring Mewa, Sunder, and Anokha, of Dhulkote and brought them and Nanda.

On 4th April Sawan appears to have admitted to the police that he took part in the expedition, and that the chudder was his.

On 4th April Kawla made a detailed statement to the police.

On 5th April Nanda also made a statement to the police; Dyala denied taking any part in the business.

On 9th April Hira made a detailed statement.

On 12th April Mewa, Sunder Singh and Anokha (of Dhulkot) denied.

---

*This is Shera *alias* Bag who was concerned in the Ghulia robbery and Sarahah dakaiti and has absconded.

† Belonged to Hira Mahar's gang, and was convicted with him of dakaiti in Umballa District in 1854-55.

‡ Belonged to Hira Mahars gang.

The police then directed their enquiries to discover evidence to confirm or corroborate the confessions made to them by the accused.

The statements of Jiwan and the other confessing prisoners were recorded before a Magistrate, Captain Macpherson, on the 17th April and succeeding days at Jagraon, where he was in camp at the time. A pardon was offered to and accepted by Jiwan Singh on condition of his making a full and true disclosure of all he knew about the case. Pardon was also offered to and accepted by Anokha, but was withdrawn because he began to prevaricate.

Having given this sketch of the police proceedings, we are now in a better position for examining the evidence against the accused and estimating the weight to be given to it.

If we are to believe Jiwan Singh's evidence, it is clear that all the accused have been rightly convicted, for his evidence directly implicates them all. But as Jiwan Singh is an approver, it would be unsafe to accept his evidence as sufficient for conviction without corroboration.

Now, his evidence is corroborated as regards Hira, Fattah, Anokha (of Jetu), Sawan, Kawla, and Nanda, by the statements of these persons before the Magistrate, for they all admitted before Captain Macpherson that they were concerned in the dakaiti.

Corroboration, therefore, is more particularly required as regards Dyala, Mewa, Sunder, and Anokha (of Dhulkot); and of these four persons I think we should look for stronger evidence of corroboration as regards Mewa, Sunder, and Anokha than of Dyála, for Dyala was named from the first by both Anokha (of Jetu) and Jiwan, and he comes from the same village as Sawan, and from a part of the country not very far distant from Jiwan and Fattah and Kawla, and may therefore be supposed to have opportunities of knowing them; whereas Mewa, Sunder, and Anokha were not in the first instance named by Anokha (of Jetu) and they come from a village (Dhulkot) which is at a considerable distance from the villages of the other dakaits (excluding Nanda), and the allegation regarding them is that they were not in the first instance asked to join in the expedition, but were only asked, as an after-thought, when the other members of the gang feared lest they should be too weak to attack complainant's party, especially if they were re-inforced on the return journey by other Velayaties.

These considerations would have great weight with me in leading me to suspect that perhaps Mewa, and Sunder, and Anokha were not in the gang at all, and were named merely out of enmity, or perhaps because they had been named previously by the police, were it not that Nanda, who is one of their party, and to whom all the foregoing considerations apply equally as to them, confessed before the Magistrate that he was present when the dakaiti took place. He is Sunder's brother-in-law. His statement is a strong corroboration of the truth of Kawla's, and implicates Mewa, Sunder, and Anokha.

I have compared the statements made by different confessing prisoners with the evidence given by Jiwan Singh, and, on the whole, although there are discrepancies, I think Jiwan Singh's statement may be regarded as substantially correct as regards all the prisoners. It is unnecessary that I should repeat it here, for it is given in outline in the Commissioner's judgment. As regards Dyala, I think sufficient corroboration is to be found in the evidence of the tailor, Dewa Singh, who made a waistcoat for him out of the cotton choga taken from the complainants, and which has been identified as of the same cloth as complainant's choga. Musammat Prem Kour (No. 11) also names him as one of those who came to her house. Some slight confirmation also is afforded by the evidence of Rhoda (No. 9) and Seeta Rám (No. 8) and Udumee (No. 13). But I rely more on the fact that Dyala's name has been taken from the first by Anokha and Jiwan Singh and others of the confessing prisoners.

As regards Mewa, Sunder, and Anokha (of Dhulkot), it is a strong point against them that they left their village about the time of the installation, and returned five or six days after it.

They were all three absent at the same time. They deny that they went to Patiála for the installation, and while admitting that they were absent from their village, they say that they went to Mehráj to repair their sister's house there. But they admit that though going there for the purpose of repairing the house, they did not repair it because their sister's husband was absent at Patiála. They bring evidence to prove their statements, but I don't think it is reliable. They appear to have been so well known as budmáshes that Shahamut Khan (No. 33) a constable of the Patiála police, had been sent to arrest them, so that they might be kept in custody during the time of the Jalsa, but on going to their village he found them absent. There is evidence to show that all three came to Patiála at or about the time of the installation, thus Sumpooran Singh (No. 10), Musammat Prem Kour (No 11), Musammat Subbi (No. 14), Dyal Singh (No. 15), Mungoo (No. 21), Saudager (No. 23). The Commissioner does not attach any weight to the evidence of Bishna (No. 24) and Uttar Singh (No. 25), and I think rightly so.

I have given much attention to this case, and I consider that all the prisoners have been rightly convicted. The sentences passed are severe, but having regard to the circumstances pointed out by the Commissioner, I think he was justified in passing severe sentences. I would dismiss all these appeals.

(Sd). J. W. SMYTH,
Judge.

Dated 8*th July* 1878.

I concur in holding that the evidence supports the convictions of all the prisoners; there is no sufficient ground for reducing the sentences. It is plain that the interests of society require an exemplary punishment.

(Sd). H. M. PLOWDEN,
Judge.

Dated 8*th July* 1878.
